

# Exhibit 7

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Priorities USA, Rise, Inc., and the  
Detroit/Downriver Chapter of the A.  
Philip Randolph Institute,

Plaintiffs,

v.

Dana Nessel, in her official capacity as  
Attorney General of the State of  
Michigan,

Defendant.

NO. 19-13341

JUDGE MARK A GOLDSMITH

MAGISTRATE R. STEVEN  
WHALEN

**DECLARATION OF DR.  
MAXWELL PALMER IN  
SUPPORT OF PLAINTIFFS'  
APPLICATION FOR  
PRELIMINARY AND  
PERMANENT INJUNCTION**

I, Dr. Maxwell Palmer, declare as follows:

1. My name is Maxwell Palmer. I am currently an Assistant Professor of Political Science at Boston University. I joined the faculty at Boston University in 2014, after completing my Ph.D. in Political Science at Harvard University. In 2017, I was also appointed a Junior Faculty Fellow at the Hariri Institute for Computing at Boston University. I teach and conduct research on American politics and political methodology.

2. I have published academic work in leading peer-reviewed academic journals, including the *American Political Science Review*, *Journal of Politics*,

*Perspectives on Politics*, *Legislative Studies Quarterly*, and *Journal of Empirical Legal Studies*, and my book, *Neighborhood Defenders: Participatory Politics and America's Housing Crisis* was published by Cambridge University Press in 2019. I have also published academic work in the *Ohio State University Law Review*. My curriculum vitae is attached to this declaration. My published research uses a variety of analytical approaches, including statistics, geographic analysis, and simulations, and data sources including academic surveys, voter registration and vote history files, and census data.

3. I have served as an expert witness or litigation consultant on numerous cases involving voting restrictions. I testified in *Bethune Hill v. Virginia* before the U.S. District Court for the Eastern District of Virginia (No. 3:14-cv-00852-REP-AWA-BMK); in *Thomas v. Bryant* before the U.S. District Court for the Southern District of Mississippi (No. 3:18-CV-00441-CWR-FKB); and in *Chestnut v. Merrill* before the U.S. District Court for the Northern District of Alabama (No. 2:18-cv-00907-KOB). I worked as a data analyst assisting testifying experts in *Perez v. Perry* before the U.S. District Court for the Western District of Texas (No. 5:11-cv-00360-OLG); in *LULAC v. Edwards Aquifer Authority* before the U.S. District Court for the Western District of Texas, San Antonio Division (No. 5:12-cv-00620-OLG); in *Harris v. McCrory* before the U. S. District Court for the Middle District of North Carolina (No. 1:13-cv-00949-WO-JEP); in *Guy v. Miller* before the U.S. District

Court for the District of Nevada (No. 11-OC-00042-1B); in *In re Senate Joint Resolution of Legislative Apportionment* before the Florida Supreme Court (Nos. 2012-CA-412, 2012-CA-490); and in *Romo v. Detzner* before the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412).

4. I am being compensated at a rate of \$350/hour for my work in this case. No part of my compensation is dependent upon the conclusions that I reach or the opinions that I offer.

5. I was retained by the plaintiffs in this litigation to offer an expert opinion on the number of voting eligible persons who are not registered to vote in Michigan. I was also asked to review the political science literature related to (1) the importance of absentee voting to increase access to voting and (2) the obstacles young voters face in voting.

6. I estimate that there are approximately 750,000 people who are eligible but not registered to vote residing in Michigan. These 750,000 persons represent approximately 10 percent of the voting eligible population in Michigan. This estimate is conservative. I have based this estimate on the following sources.

7. At the time of the 2018 election, the Michigan Secretary of State reported that the voting age population of Michigan was 7,831,250 people. The voting age population includes people who are ineligible to vote.<sup>1</sup>

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<sup>1</sup> [https://www.michigan.gov/sos/0,4670,7-127-1633\\_8722-29616--,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_8722-29616--,00.html)

8. The best estimate of the voting eligible population at the 2018 election, which excludes non-citizens and people who are incarcerated, is 7,513,813 people. This estimate is based on data compiled by Professor Michael P. McDonald at the University of Florida.<sup>2</sup> These data is widely used by political scientists in peer reviewed studies and articles.<sup>3</sup>

9. To count the number of registered voters, I relied on a Michigan voter file from the election data vendor L2. L2 provides data to political campaigns and other organizations, and specializes in collecting, cleaning, and aggregating voter files and other types of data. L2 provides data to candidates and groups affiliated with both political parties, and their data is also used in peer-reviewed academic studies.<sup>4</sup>

10. The L2 voter file included 6,716,996 people registered to vote in Michigan. The L2 voter file was initially obtained from the Michigan Secretary of

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<sup>2</sup> McDonald, Michael P. 2018. "2018 November General Election Turnout Rates." United States Elections Project. <http://www.electproject.org/2018g>. Accessed January 17, 2020.

<sup>3</sup> See e.g. McDonald, Michael P. "On the Overreport Bias of the National Election Study Turnout Rate." *Political Analysis* 11, no. 2 (2003): 180-186; Jacobson, Gary C. "Polarized Politics and the 2004 Congressional and Presidential Elections." *Political Science Quarterly* 120, no. 2 (2005): 199-218; Tolbert, Caroline J., and Daniel A. Smith. "The Educative Effects of Ballot Initiatives on Voter Turnout." *American Politics Research* 33, no. 2 (2005): 283-309.

<sup>4</sup> See e.g. Velez, Yamil Ricardo, and Benjamin J. Newman. "Tuning In, Not Turning Out: Evaluating the Impact of Ethnic Television on Political Participation." *American Journal of Political Science* 63, no. 4 (2019): 808-823.

State on August 1, 2019 and was updated by L2 to remove records for people who moved or are deceased. Based on the L2 data, 89.4% of persons who are eligible to vote residing in Michigan are registered to vote and there are 796,817 non-registered voting eligible people residing in Michigan.

11. I also relied on a large-sample survey from the 2018 election cycle, the 2018 Cooperative Congressional Election Study (CCES). The 2018 CCES surveyed 60,000 voting eligible people before the 2018 elections, including 1,908 people in Michigan.<sup>5</sup> Of those in Michigan, 1,712 (89.7%) reported being registered to vote. The CCES estimates that 86.5% of voting eligible persons are registered to vote nationally. The CCES is based at Harvard University, with collaborators at more than 45 other universities. It is widely cited in peer-reviewed academic studies.<sup>6</sup>

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<sup>5</sup> Ansolabehere, Stephen, Brian F. Schaffner, and Sam Luks, COOPERATIVE CONGRESSIONAL ELECTION STUDY, 2018: COMMON CONTENT. Release 2: August 28, 2019. Cambridge, MA: Harvard University. <http://cces.gov.harvard.edu>.

<sup>6</sup> See, e.g., Ortoleva, P., & E. Snowberg (2015). "Overconfidence in Political Behavior." *American Economic Review*, 105(2), 504-35; Martin, Gregory J., and Ali Yurukoglu. "Bias in Cable News: Persuasion and Polarization." *American Economic Review* 107, no. 9 (2017): 2565-99; Ansolabehere, Stephen, and Philip Edward Jones. "Constituents' Responses to Congressional Roll- Call Voting." *American Journal of Political Science* 54, no. 3 (2010): 583-597; Jacobson, Gary C. "It's Nothing Personal: The Decline of the Incumbency Advantage in US House Elections." *The Journal of Politics* 77, no. 3 (2015): 861-873; Gerber, A. S., & G. A. Huber (2010). "Partisanship, Political Control, and Economic Assessments." *American Journal of Political Science*, 54(1), 153-173; Lenz, G. S., & C. Lawson (2011). "Looking the Part: Television Leads Less Informed Citizens to Vote Based on Candidates' Appearance." *American Journal of Political Science*, 55(3), 574-589.

12. I also reviewed the U. S. Census Current Population Survey (CPS). According to the CPS, 66.9% of U.S. citizens over the age of 18 were registered to vote in November 2018.<sup>7</sup> The CPS estimates that 71.1% of Michigan citizens over the age of 18 were registered to vote.<sup>8</sup>

13. Based on the data and surveys discussed above, I conclude that approximately ten percent of the voting eligible population in Michigan is not registered to vote. This is a conservative estimate, and the non-registered population may be significantly larger.

14. Based on my review of the political science literature, it is my opinion that access to absentee voting, including vote by mail, increases voter turnout and makes voting easier for persons who have difficulty making it to the polls.

15. In a review of the scholarly literature on absentee voting, Gronke, Galanes-Rosenbaum, Miller, and Toffey (2008) show that overall turnout can be increased by 2-4% by the implementation of vote-by-mail or absentee procedures.<sup>9</sup>

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<sup>7</sup> <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html>, Table 1.

<sup>8</sup> <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html>, Table 4a.

<sup>9</sup> Gronke, Paul, Eva Galanes-Rosenbaum, Peter A. Miller, and Daniel Toffey. "Convenience Voting." *Annual Review of Political Science* 11 (2008): 437-455.

16. Voting by mail, or absentee voting, may be especially crucial for enabling turnout by older voters, because of their difficulties in getting to the polls.<sup>10</sup> However, recent evidence from California shows that absentee voting can also increase turnout among young registered voters in primary and general elections as well.<sup>11</sup>

17. Vote access reforms also increase turnout when people live farther away from polling locations. Those people who live farther away from election-day polling locations are more likely to not vote. However, people who live farther away from polling locations are more likely to take advantage of voting by mail.<sup>12</sup> This suggests that those voters most enabled by absentee balloting policies are those who live farther from traditional polling locations.

18. People with disabilities may be less likely to vote in person on election day, but more likely to vote by mail in advance.<sup>13</sup> This is primarily due to the

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<sup>10</sup> Berinsky, Adam J., Nancy Burns, and Michael W. Traugott. "Who Votes by Mail?: A Dynamic Model of the Individual-Level Consequences of Voting-by-Mail Systems." *Public Opinion Quarterly* 65, no. 2 (2001): 178-197.

<sup>11</sup> Elul, Gabrielle, Sean Freeder, and Jacob M. Grumbach. "The Effect of Mandatory Mail-Ballot Elections in California." *Election Law Journal: Rules, Politics, and Policy* 16, no. 3 (2017): 397-415.

<sup>12</sup> Dyck, Joshua J., and James G. Gimpel. "Distance, Turnout, and the Convenience of Voting." *Social Science Quarterly* 86, no. 3 (2005): 531-548.

<sup>13</sup> Schur, Lisa A., and Douglas L. Kruse. "What Determines Voter Turnout?: Lessons from Citizens with Disabilities." *Social Science Quarterly* 81, no. 2 (2000): 571-587; Schur, Lisa, Todd Shields, Douglas Kruse, and Kay Schriener. "Enabling Democracy: Disability and Voter Turnout." *Political Research Quarterly* 55, no. 1 (2002): 167-190.



inconvenience of voting in-person on election day, though not necessarily any increase in the time spent waiting in line at the polls.<sup>14</sup> Indeed, individuals with disabilities report similar levels of political efficacy and even more interest in politics than those voters without disabilities.<sup>15</sup>

19. Young people are less likely to vote than older people, in part because they face many obstacles to voting. A study by CIRCLE, the Center for Information & Research on Civil Learning and Engagement at Tufts University, found that in 2016, among people aged 18 to 29, more than 40% reported that they were too busy to vote on Election Day or had a conflict that prevented them from doing so. These rates were similar among those with college experience (47%) and without any college experience (44%).<sup>16</sup> The study also found that access to transportation is a major barrier to participation, with 29% of youth citing it as a reason why they did

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<sup>14</sup> Johnson, April A., & Sierra Powell (2019) “Disability and Election Administration in the United States: Barriers and Improvements.” *Policy Studies*, DOI: 10.1080/01442872.2019.1694654

<sup>15</sup> Powell, S., & A. A. Johnson (2019). “Patterns and Mechanisms of Political Participation among People with Disabilities.” *Journal of Health Politics, Policy and Law*, 44(3), 381-422.

<sup>16</sup> “Why Youth Don’t Vote: Differences by Race and Education.” CIRCLE, the Center for Information & Research on Civil Learning and Engagement at Tufts University. <https://circle.tufts.edu/latest-research/why-youth-dont-vote-differences-race-and-education>. The study is based on the 2016 Survey of the Performance of American Elections (SPAEE) (<https://dataverse.harvard.edu/dataverse/SPAEE>), a survey of registered voters conducted after the 2016 election.

not vote. The effect of transportation is larger among youth of color: 38% said their lack of transportation was a factor in why they did not vote.

I certify under penalty of perjury and pursuant to the laws of the United States that the preceding is true and correct.

Executed on Jan. 27, 2020

By: Maxwell Palmer

Maxwell Palmer